

REMARKS

Applicant thanks the Examiner for the courtesies extended during a telephonic interview conducted on October 11, 2007. The following remarks summarize the substance of the interview.

As discussed during the interview, the pending claims have been amended to address the §112 issues raised by the Examiner. Specifically, the claims have been amended to bring the preamble into agreement with the body of the claim, such that the claims are directed to the combination.

In the latest Office Action, the Examiner rejects the currently pending claims in view of U.S. Patent No. 1,585,960 to Baum, either alone or in combination with other references.

As discussed during the interview, the present invention is directed to a baseboard assembly having a base portion and a top portion that interact to form an overall assembly. The base portion has a back surface that is positioned against a wall and an upper surface that is sloped. A top portion is then positioned above the base portion such that its sloped lower surface interacts with the sloped upper surface of the base portion and the top portion is retained in position. A key benefit of this invention is that the base portion may be positioned by placing it snugly against the wall and nailed into position. The wall above the base portion may then be painted prior to installation of the top portion. The top portion is then installed very simply by placing it above the bottom portion and pressing it snugly into position. It should be noted that the base portion is easily positionable since the back surface is placed in contact with the wall. As such, it installs without measuring or spacing it from the base of the wall.

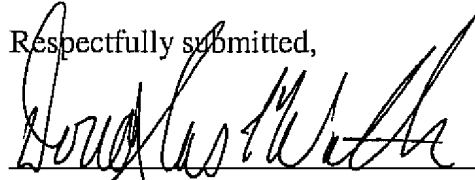
The Baum reference differs substantially both in design and utility. The Baum baseboard design is intended to reduce the stack-up between shoe molding and baseboard by providing a beveled lower surface on the baseboard and nesting the shoe mold into this beveled area. As explained in the text of the Baum reference, the baseboard itself is installed first with the shoe mold 7 being installed thereafter. As shown clearly in Figure 2, the shoe mold is a very small beveled piece without a back surface that contacts the wall. As will be clear to those of skill in the art, the upper baseboard piece must be very accurately positioned so that the shoe mold 7 fits in the available space and functions as intended. When positioned as intended, the entire shoe mold is spaced from the wall, thereby leaving a gap.

The Examiner admits that the Baum reference does not provide a back surface on the base portion, but states that it would be obvious to provide such a back surface, as required by the independent claims. Applicant respectfully disagrees. Providing a back surface on the shoe mold will substantially change the function of the Baum system since the baseboard portion would have to be positioned differently and the position of the shoe mold would no longer be controlled by the slope alone, but instead interference between the back surface and the wall would affect its positioning. The provision of the back surface that abuts the wall in the present invention provides a key inventive function of the present invention and is not merely an obvious variation of the Baum design. As such, Applicant respectfully submits that the claims distinguish over and are not obvious in view of the Baum reference.

By the present amendment, new claim 18 has been added. During the interview, the Examiner mentioned that a method claim may clarify some distinctions between the present invention and the cited art. Claim 18 has been added as a dependent claim which provides a method for using the assembly of claim 1. The Examiner is invited to contact Applicant's representative to discuss any additional amendments or claims that may assist in moving the case towards allowance.

Based on the foregoing, Applicant believes that this application is in condition for allowance. Questions may be directed to Applicant's attorney by contacting him at the telephone and/or facsimile numbers provided below.

Respectfully submitted,



Douglas L. Wathen

Registration No. 41,369

Gifford, Krass, Sprinkle, Anderson &
Citkowski, P.C.

2701 Troy Center Drive, Suite 330

P.O. Box 7021

Troy, MI 48007-7021

(734) 913-9300

Dated: Oct. 11, 2007